

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT: Jheroen P. Dorenbosch ART UNIT: 2617
APPLN. NO.: 10/649,999 EXAMINER: Fox, Bryan J
FILED: August 26, 2003
TITLE: SYSTEM AND METHOD TO IMPROVE WLAN HANDOVER
BEHAVIOR AND PHONE BATTERY LIFE WHEN STATIONARY IN
BORDER CELLS

CERTIFICATE UNDER 37 CFR 1.8(a)	
I hereby certify that this correspondence is being electronically transmitted on the date listed below:	
Date:	August 20, 2007
Signature	/Larry G. Brown/
Typed or printed name:	Larry G. Brown

REPLY BRIEF

Mail Stop: **APPEAL BRIEF-PATENTS**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: **Board of Patent Appeals and Interferences**

Dear Chief Administrative Patent Judge:

This Reply Brief is in response to the Examiner's Answer filed on June 19, 2007.

The Commissioner is hereby authorized to charge any fee due, or credit any
overpayment to Deposit Account No. 502117, Motorola, Inc.

Status of Claims:

1. This appeal involves claims 1, 2, 9-17, 22, 23 and 25-30.
2. Claims 18-21 are allowed.
3. Claims 3-8 are objected to as being dependent upon a rejected base claim.
4. Claim 24 has been canceled.

Grounds of Rejection to be Reviewed on Appeal:

1. Whether claims 1, 9-11, 14, 16, 17, 22 and 28 are patentable under 35 U.S.C. 102(e) over U.S. Patent No. 6,714,785 to Han (Han).
2. Whether claims 2, 12, 15, 23, 25-27 and 29 are patentable under 35 U.S.C. 103(a) over Han in view of U.S. Patent Application Publication No. 2004/0203789 to Hammond, et al. (Hammond).
3. Whether claim 13 is patentable under 35 U.S.C. 103(a) over Han in view of Hammond and further in view of U.S. Patent Application Publication No. 2003/0109258 to Mantyjärvi, et al. (Mantyjärvi).
4. Whether claim 30 is patentable under 35 U.S.C. 103(a) over Han in view of Hammond and further in view of U.S. Patent No. 6,771,963 to Cheng, et al. (Cheng).

**ARGUMENT IN RESPONSE TO EXAMINER'S GROUNDS OF REJECTION
AND RESPONSE TO ARGUMENTS SECTIONS**

The recitations of U.S. Patent No. 6,714,785 to Han do not render claims 1, 9-11, 14, 16, 17, 22 and 28 unpatentable.

The Examiner is correct by stating that pending patent claims must be given their broadest reasonable interpretation consistent with the specification during patent examination (see *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)). This interpretation, however, must be consistent with the interpretation that those skilled in the art would reach (*In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)).

Applicants submit that one of skill in the art, in view of the description in the specification, would interpret first and second wireless communication systems as being different communication systems. The specification consistently refers to the wireless device as a multi-mode device that is capable of operating in and switching between a WLAN and a WAN. Moreover, the terms "first" and "second," as this skilled person would recognize, signify that different networks are involved.

The recitations of Han, Hammond and Cheng do not render claim 30 unpatentable.

Applicants simply respectfully disagree with the Examiner's argument that Cheng describes a trigger for handoff based on the detection of a border cell. Cheng expressly notes that the handoff is triggered in view of a receive power level (see col. 3, lines 23-27; col. 5, lines 20-24; and col. 5, lines 35-41).

Conclusion

Applicants continue to maintain that none of the cited prior art references describe the subject matter presented in the claims of the present invention. For the reasons set forth above, the claims on appeal present patentable subject matter such that reversal of the rejection is appropriate.

Respectfully submitted,

Please send correspondence to:
Motorola, Inc.
Law Department – MD 1610
8000 W. Sunrise Blvd
Plantation, FL 33322

Customer Number: 24273

By: /Larry G. Brown/
Larry G. Brown August 20, 2007

Attorney for Applicants
Registration No. 45,834
Tel. No.: (954) 723-6449
Fax No.: (954) 723-3871
E-Mail: lgbrown@motorola.com